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6 IN THE UNITED STATES DISTRICT COURT FOR THE
7 EASTERN DISTRICT OF CALIFORNIA
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9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ROLAND ADAMS,

13 Defendant.
14 _____/

CIV. NO. S-NO-0841 EJG

CR. NO. S-02-257 EJG

ORDER DENYING REQUEST FOR
CERTIFICATE OF APPEALABILITY

15 Defendant, a federal prisoner proceeding pro se, has filed a
16 Notice of Appeal from this court's April 11, 2011 order denying
17 his § 2255 motion to vacate, set aside or correct his sentence.
18 Embodied within that document is a "request for a certificate of
19 appealability on all issues." Through administrative oversight,
20 defendant's appeal has not been processed, nor his request for a
21 certificate acted upon even though the appeal was timely filed on
22 April 20, 2011.

23 A certificate of appealability must be issued before
24 defendant can appeal the decision. See Fed. R. App. P. 22(b).
25 Such certification may issue "only if [defendant] has made a
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1 substantial showing of the denial of a constitutional right." 28
2 U.S.C. § 2253(c)(2). The court must either issue a certificate
3 of appealability indicating which issues satisfy the required
4 showing or must state the reasons why such a certificate should
5 not issue. Fed. R. App. P. 22(b)(1).

6 For all of the reasons stated in the court's April 11, 2011
7 order, defendant has waived his rights to collaterally attack his
8 conviction and sentence and, alternatively, has not made a
9 substantial showing of the denial of a constitutional right.
10 Accordingly, the motion for a certificate of appealability is
11 DENIED.

12 IT IS SO ORDERED.

13 Dated: October 12, 2011

14 /s/ Edward J. Garcia
15 EDWARD J. GARCIA, JUDGE
16 UNITED STATES DISTRICT COURT
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